

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE DEPARTMENT OF NATURAL RESOURCES

In the Matter of Minnesota Department of  
Natural Resources Special Permit No.  
16868 (December 12, 2012) Issued to Lynn  
Rogers

**ORDER REGARDING  
MOTION TO COMPEL**

This matter was heard by Chief Administrative Law Judge Tammy L. Pust from February 24, 2014 through March 6, 2014.

David R. Marshall, Leah C. Janus and Jessica L. Edwards, Fredrikson & Byron, P.A., appeared on behalf of Dr. Lynn Rogers (Rogers).

David P. Iverson and Linda S. Jensen, Assistant Attorneys General, appeared on behalf of the Department of Natural Resources (Department or DNR).

On April 4, 2014, Dr. Lynn Rogers brought a Motion to Compel Recently Discovered Documents Withheld by the DNR. The Department filed a response to the motion on April 11, 2014.

Based upon the evidence and argument submitted by the parties, and the files and proceedings herein, the Administrative Law Judge makes the following:

**ORDER**

1. The Motion to Compel Recently Discovered Documents Withheld by the DNR is **GRANTED** with respect to the redacted email chain attached to the Affidavit of David L. Garshelis and filed by the Department as part of its response to the motion.

2. By **9:30 a.m on April 15, 2014**, the Department shall electronically file with the Chief Administrative Law Judge a copy of all previously-withheld documents that are responsive to discovery requests served in this matter, including but not limited to:

- a. A copy of the "draft manuscript tentatively entitled 'Is Diversionary Feeding an Effective Tool for Reducing Human-Bear Conflict?', including "the section on the Lynn Rogers study" with embedded comments authored by Dr. David L. Garshelis (Garshelis Paper); and

- b. Any and all related emails or other correspondence.
- 3. Following an *in camera* review of the Garshelis Paper, the Chief Administrative Law Judge will issue a further Order regarding the production of the Garshelis Paper and what sanctions, if any, will be imposed for its original nonproduction.

Dated: April 13, 2014

s/Tammy L. Pust

TAMMY L. PUST

Chief Administrative Law Judge